

REPORT OF THE COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair; Carol Fukunaga, Vice-Chair;
Ikaika Anderson, Michael Formby, Ron Menor, Heidi Tsuneyoshi

Committee Meeting Held
March 28, 2019

Honorable Ann H. Kobayashi
Interim Chair, City Council
City and County of Honolulu

Madam Chair:

Your Committee on Zoning and Housing, which considered Bill 94 (2018), CD1 entitled:

"A BILL FOR AN ORDINANCE TO AMEND PORTIONS (14.85 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (KAHUKU QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AND A PORTION (0.03 ACRES) FROM THE URBAN DISTRICT TO THE AGRICULTURAL DISTRICT FOR CERTAIN LANDS SITUATED AT BRIGHAM YOUNG UNIVERSITY-HAWAII, LAIE, OAHU, HAWAII,"

which passed Second Reading and was the subject of a Public Hearing at the March 8, 2019 Council meeting, reports as follows:

The purpose of Bill 94 (2018), CD1 is to amend portions of the State Land Use District Boundary Map (Kahuku Quadrangle) to reclassify approximately 14.85 acres of land in Laie from the State Land Use Agricultural District to the State Land Use Urban District, and approximately 0.03 acres of land from the State Land Use Urban District to the State Land Use Agricultural District (the "Property"), at the request of Brigham Young University-Hawaii (the "Applicant").

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **APR 17 2019**

COMMITTEE REPORT NO. **95**

REPORT OF THE COMMITTEE ON ZONING AND HOUSING

Voting Members:

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Your Committee finds that the Planning Commission, after a public hearing held on October 31, 2018, at which three speakers testified in support and no written testimonies were received, voted to recommend approval of the proposal in concurrence with the recommendation of the Department of Planning and Permitting ("DPP") in the Attachment to Departmental Communication 783 (2018).

Your Committee finds that at a public hearing held on March 8, 2019 by the City Council, no public testimony was received on the proposed boundary amendment.

In Committee Report No. 59 (2019), which the Council adopted at its meeting on March 8, 2019, your Committee set forth background information concerning this Bill.

At your Committee's meeting on March 28, 2019, the Acting DPP Director testified that the Applicant completed the cultural assessment for the Property, which the DPP has accepted.

No public testimony was received on the Bill.

Your Committee has prepared a CD2 version of the Bill that makes the following amendments:

- A. Adds a new SECTION 2 of the Bill, which adds conditions of approval required by Section 205-3.5 of the Hawaii Revised Statutes, relating to the reclassification of land contiguous to an agricultural district. Renumbers the subsequent SECTION.
- B. Makes miscellaneous technical and non-substantive amendments.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

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COMMITTEE REPORT NO. 95

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Your Committee finds that the proposal contained in this Bill is consistent with the General Plan and applicable Development Plan of the City and is in the best interests of the people of the City and County of Honolulu.

Your Committee on Zoning and Housing is in accord with the intent and purpose of Bill 94 (2018), CD1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as Bill 94 (2018), CD2. (Ayes: Pine, Anderson, Fukunaga, Menor, Tsuneyoshi – 5; Ayes with reservations: None; Noes: None; Excused: Formby – 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON APR 17 2019

COMMITTEE REPORT NO. 95



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **94 (2018), CD2**

A BILL FOR AN ORDINANCE

TO AMEND PORTIONS (14.85 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (KAHUKU QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AND A PORTION (0.03 ACRES) FROM THE URBAN DISTRICT TO THE AGRICULTURAL DISTRICT FOR CERTAIN LANDS SITUATED AT BRIGHAM YOUNG UNIVERSITY – HAWAII, LAIE, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Portions (14.85 acres) of the State Land Use District Boundary Map (Kahuku Quadrangle) are hereby amended by reclassifying certain lands in Laie on the Brigham Young University – Hawaii campus from the Agricultural District to the Urban District, and a portion (0.03 acres) from the Urban District to the Agricultural District, as shown on the map attached hereto, marked "Exhibit A" and by reference made a part hereof. The purpose of this amendment is to place five areas of land (areas identified as portions of Tax Map Keys 5-5-006: 005 and 5-5-006: 032) in the Urban District and one area of land (identified as a portion of Tax Map Key 5-5-006: 005) in the Agricultural District.

SECTION 2. The reclassification of lands in SECTION 1 is subject to the following conditions:

- a. Brigham Young University–Hawaii ("BYU–H") and its successors and assigns are prohibited from taking any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent and contiguous lands in the State Land Use Agricultural District. For the purpose of this SECTION, "farming operations" has the same meaning as defined in Section 165-2 of the Hawaii Revised Statutes ("HRS"); and
- b. BYU–H shall notify all prospective developers or purchasers of land in the area reclassified from the Agricultural District to the Urban District, and provide or require subsequent notice to lessees or tenants of the land, that farming operations or practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under HRS Chapter 165, the Hawaii Right to Farm Act. The notice must be included in any disclosure required for the sale or transfer of real property or any interest in real property.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **94 (2018), CD2**

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (br)

DATE OF INTRODUCTION:

December 17, 2018
Honolulu, Hawaii

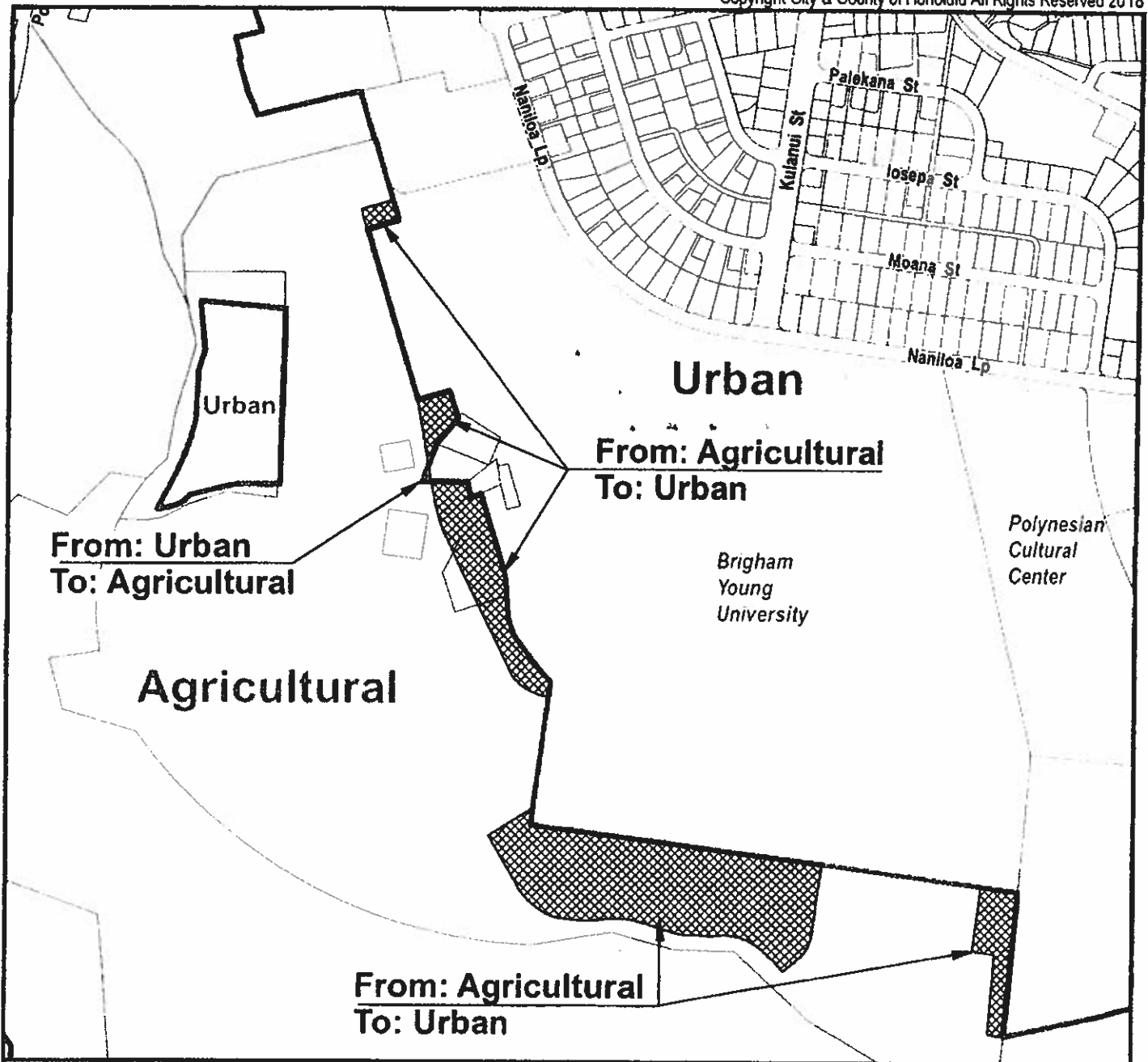
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

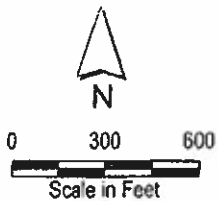
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu



AMENDMENT TO
STATE LAND USE DISTRICT MAP
Kahuku Quadrangle



APPLICANT: BRIGHAM YOUNG UNIVERSITY

TAX MAP KEY(S): 5-5-006: POR. 5 & POR. 32

FOLDER NO.: 2018/GEN-8

LAND AREA: APPROXIMATELY 14.85 ACRES

**PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU**

PUBLIC HEARING

PLANNING COMMISSION

CITY COUNCIL

ORD. NO.

EFF. DATE:

EXHIBIT A

BILL

2018/SLU-1